

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
U.S. Probation / Pretrial Services**

Myron L. Smith
Chief U.S. Probation Officer

319 Federal Building and U. S. Courthouse
35 East Mountain, Room #319
Fayetteville, AR 72701
479-442-9892
Fax -479-442-5276

October 10, 2006

Honorable Jimm Larry Hendren
Chief United States District Judge
P.O. Box 3487
Fayetteville, AR 72702

**RE: KILBURN, Johnny R.
Dkt. 3:06CR30001-001
VIOLATION REPORT**

Dear Judge Hendren:

This is to seek the court's guidance in the matter of the pretrial supervision in this case. Mr. Kilburn was released on a \$2,500 unsecured bond on April 10, 2006, by the Honorable Beverly Stites Jones, U.S. Magistrate Judge, after pleading not guilty to a three count indictment for felon in possession of a firearm (1 count) and possession of an unregistered firearm (2 counts). The defendant was released on the conditions of maintaining and actively seeking employment, submitting to alcohol/drug testing and/or treatment and pretrial supervision.

On July 28, 2006, the defendant reported to Omart in Harrison to submit a urine sample for mandatory drug testing. On August 9, 2006, Kroll Laboratories reported that defendant had tested positive for amphetamine/methamphetamine. On August 1, 2006, defendant again reported to Omart to submit a urine sample and on August 17, 2006, Kroll Laboratories advised defendant tested positive for amphetamine/methamphetamine. On August 8, 2006, defendant reported to the Harrison office to submit another urine sample and on August 14, 2006, Kroll Laboratories advised that he had tested positive for amphetamine/methamphetamine.

On August 16, 2006, our office was advised that defendant had attempted suicide and had been taken to Ozark Counseling Services (OCS) in Harrison, Arkansas, who diagnosed him with depressive disorder and post traumatic stress disorder. Contact was made with OCS who advised defendant had been sent to Bridgeway Hospital in Little Rock, Arkansas. Attempts to obtain information from Bridgeway Hospital have been unsuccessful at this time.

As of the writing of this violation report, Kilburn has failed to maintain contact with the probation office via weekly call-ins. His last contact with the probation office was on August 15, 2006. He has also failed to submit to drug testing requirements through code-a-phone, failed to provide monthly supervision reports for the months of August, September and October, and failed to provide proof of verifiable employment.

The defendant is currently scheduled for a jury trial on October 17, 2006, in Harrison, Arkansas.

Based on the above information, it is respectfully recommended that a warrant be issued for the defendant. If further information is needed or required, please advise.

Sincerely,

Tobey L. Reely

Tobey L. Reely
U.S. Probation Officer

Reviewed by:

William E. Dunn, Jr.

William E. Dunn, Jr.
Supervising U.S. Probation Officer

☒

Issue Warrant for Arrest

☐

Show Cause Hearing to be Held

☐

Other

[Signature]
Honorable Jimm Larry Hendren
Chief U.S. District Judge

10/11/06
Date

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

OCT 11 2006

CHRIS R. JOHNSON, CLERK

BY *Chris R. Johnson*
DEPUTY CLERK